

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: NATIONAL HOCKEY)	
LEAGUE PLAYERS' CONCUSSION)	MDL No. 14-2551 (SRN/BRT)
INJURY LITIGATION)	
)	
<hr/> This Document Relates To Case:)	
)	
<i>Veitch v. NHL, et al.,</i>)	
Case No. 0:16-cv-02683-SRN-BRT)	
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DEFENDANTS NATIONAL HOCKEY LEAGUE AND NATIONAL HOCKEY LEAGUE
BOARD OF GOVERNORS' ANSWER AND AFFIRMATIVE DEFENSES TO
AMENDED CLASS ACTION COMPLAINT

Defendants National Hockey League and National Hockey League Board of Governors (together, “NHL”) hereby set forth the following Answer and Affirmative Defenses to Plaintiffs’ Amended Class Action Complaint (the “Complaint”), and demand trial by jury. Except as otherwise expressly set forth below, the NHL denies knowledge or information sufficient to form a belief as to the truth or falsity of each and every allegation contained in the Complaint. Any allegation, averment, contention or statement in the Complaint not specifically and unequivocally admitted is denied, including any statement in a heading. The NHL preserves all objections regarding the admissibility of any allegations or statements made in the Complaint or this Answer. The NHL responds to each of the paragraphs of the Complaint as follows:

RESPONSE TO “BACKGROUND”

1. The NHL denies the allegations in paragraph 1, except admits that the NHL is an unincorporated association, organized as a joint venture to operate a professional ice hockey league consisting of thirty-one Member Clubs.

2. The NHL denies the allegations in paragraph 2, except admits that the NHL is an unincorporated association, organized as a joint venture to operate a professional ice hockey league consisting of thirty-one Member Clubs.

3. The NHL denies the allegations in paragraph 3, except admits the NHL is governed by its Board of Governors.

4. The NHL denies the allegations in paragraph 4.

5. The NHL denies the allegations in paragraph 5.

6. The NHL denies the allegations in paragraph 6, except admits that the NHL's playing rules have been changed over time.

7. The NHL denies the allegations in paragraph 7, except states that the NHL and National Hockey League Players' Association ("NHLPA") have evaluated and addressed certain matters related to the safety of active players, and have provided related education to active players with respect to those matters.

8. The NHL denies the allegations in paragraph 8, except states that in 1997, the NHL and the NHLPA jointly established and administered a collectively-bargained concussion program for active players.

9. The NHL denies the allegations in paragraph 9.

RESPONSE TO "THE PARTIES"

10. The allegations in this paragraph relate exclusively to claims for relief that have been dismissed and, therefore, no response to the allegations in this paragraph is required.

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89. The NHL denies the allegations in paragraph 89 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein.

90. The NHL admits that Andre Deveau (“Deveau”) played in 31 regular season NHL games and Deveau played for the NHL Clubs listed in paragraph 90.

91. The NHL denies the allegations in paragraph 91 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein, except admits

Deveaux participated in fights during certain NHL games in which he played.

92. The NHL denies the allegations in paragraph 92.

93. The allegations in this paragraph relate exclusively to claims for relief that have been dismissed and, therefore, no response to the allegations in this paragraph is required.

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116. The allegations in this paragraph relate exclusively to claims for relief that have been dismissed and, therefore, no response to the allegations in this paragraph is required.

117. The NHL denies the allegations in paragraph 117, except admits the NHL is an unincorporated association, organized as a joint venture to operate a professional ice hockey league consisting of thirty-one Member Clubs located in cities in both the United States and Canada, including Chicago, Illinois, and the NHL maintains an office at 1185 Avenue of the Americas, New York, New York, 10036.

118. The NHL denies the allegations in paragraph 118, except admits each NHL Club appoints a Governor and Alternate Governors to the Board of Governors.

119. Paragraph 119 states legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL states that plaintiff is not completely diverse from the NHL and therefore denies that plaintiff can base subject matter jurisdiction on diversity under 28 U.S.C. § 1332. Nevertheless, this Court has original jurisdiction of this action under 28 U.S.C. § 1331 because the claims in the Complaint arise under the laws of the United States, specifically Section 301 of the Labor Management Relations Act, 29 U.S.C. § 185 (“Section 301”). Section 301 requires the application of federal substantive law and completely preempts and displaces entirely any state cause of action. It does not matter that a lawsuit purports to assert tort claims under state law instead of contract claims. If the claims are founded directly on rights created by collective bargaining agreements or are substantially dependent on analysis of a collectively-bargained agreement, they are federal claims governed by Section 301.

120. Paragraph 120 states legal conclusions to which no responsive pleading is

necessary. To the extent a response is required, the NHL denies the allegations in paragraph 120.

RESPONSE TO “THE NHL’S PROMOTION OF VIOLENCE IN THE GAME OF HOCKEY”

121. The NHL denies the allegations in paragraph 121, including footnote 1, except admits plaintiff selectively and incompletely quotes from a document produced by the NHL in *In re National Hockey League Players’ Concussion Injury Litigation*, MDL No. 2551 (the “MDL”), starting at Bates Number NHL0155220.

122. The NHL denies the allegations in paragraph 122, because plaintiff does not identify the source that purportedly quotes an unnamed NHL executive and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL further denies the allegations in paragraph 122 to the extent they suggest the entire paragraph is a quote from an unnamed NHL executive as plaintiff fails to indicate what portion of paragraph 122 is purportedly quoted. The NHL further denies the truth of allegations in paragraph 122.

123. The NHL denies the allegations in paragraph 123.

124. The NHL denies the allegations in paragraph 124, including footnote 2, except admits plaintiff selectively and incompletely quotes from a document produced by the NHL in the MDL, starting at Bates Number NHL0143212.

125. The NHL denies the allegations in paragraph 125.

126. The allegation in paragraph 126 that the NHL was “negligent” states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 126,

including footnote 3, except admits plaintiff selectively and incompletely quotes from a document produced by the NHL in the MDL, starting at Bates Number NHL0031065.

127. The NHL denies the allegations in paragraph 127.

128. The NHL denies the allegations in paragraph 128, except admits that plaintiff selectively and incompletely quotes language that has been attributed to Dr. Robert Cantu in news articles. The NHL further states that Dr. Cantu has testified under oath that there is no scientifically-proven cause and effect relationship between subconcussive and concussive impacts and CTE, stating that “[t]he cause and effect, so-called causation of CTE . . . remains to be shown,” and that “[a]s far as we know, a concussion is not sufficient to result in chronic traumatic encephalopathy.” (Deposition of Robert Cantu 385:11-386:2.)

129. The NHL denies the allegations in paragraph 129.

130. The NHL denies the allegations in paragraph 130.

131. The NHL denies the allegations in paragraph 131.

132. The NHL denies the allegations in paragraph 132.

133. The NHL denies the allegations in paragraph 133, except, on information and belief, admits two members of Ontario’s provincial government asked Mr. McMurtry to investigate “violence” occurring in an Ontario Hockey Association Juniors game and Mr. McMurtry interviewed some NHL players in creating his report. The NHL denies the allegations and characterizations in the third sentence of paragraph 133.

134. The NHL denies the allegations in paragraph 134.

135. The NHL denies the allegations in paragraph 135 because plaintiff appears to reference an unidentified source that purports to quote Bobby Hull, and the NHL is therefore

without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The NHL denies the remaining allegations and characterizations in paragraph 135.

136. The NHL denies the allegations in paragraph 136, including footnote 4, except admits plaintiff selectively and incompletely quotes from a document produced by the NHL in the MDL, starting at Bates Number NHL0230647 and admits that in the 1980s there was approximately one fight for every game played.

137. The NHL denies the allegations in paragraph 137, including footnote 5, except admits plaintiff selectively and incompletely quotes from a document produced by the NHL in the MDL, starting at Bates Number NHL0211716.

138. The NHL denies the allegations and characterizations in paragraph 138, except admits that plaintiff quotes from a 1986 *Sports Illustrated* article.

139. The NHL denies the allegations in paragraph 139, including footnote 6, except admits plaintiff selectively and incompletely quotes from a document produced by the NHL in the MDL, starting at Bates Number NHL0015999.

140. The NHL denies the allegations and characterizations in paragraph 140, including footnote 8, except admits that plaintiff quotes from a book by John Branch about Derek Boogaard. The NHL further denies the allegations in footnote 7, except admits plaintiff selectively and incompletely quotes from a document produced by the NHL in the MDL, starting at Bates Number NHL0230647.

141. The NHL denies the allegations in paragraph 141.

142. The NHL denies the allegations in the opening clause of paragraph 142, including as applied to each subpart in paragraph 142. The NHL further denies the allegations in subparts (a), (b), (c) and (f). The NHL denies the allegations in subpart (e) because it is without

knowledge or information sufficient to form a belief as to the truth of the allegations therein.

The NHL denies the allegations in subpart (g), except admits the NHL and NHLPA jointly license Electronic Arts to develop and publish video games, including *NHL 14*, bearing the NHL and Club logos and certain player likenesses, and admits, on information and belief, these video games portray all aspects of NHL hockey as currently played as realistically as advances in video game technology allow, and EA marketed and promoted *NHL 14* and the marketing materials speak for themselves. The NHL denies the allegations in subpart (d), except admits at certain times, the NHL Network has produced the weekly program referenced in subpart (d).

143. The NHL denies the allegations in paragraph 143 because plaintiff does not identify the source that purportedly quotes former NHL President John Ziegler, and the NHL is therefore without knowledge or information sufficient to form a belief as to the truth of the allegations therein, including the quoted language.

144. Paragraph 144 states legal conclusions to which no responsive pleading is necessary. To the extent a response is required, the NHL denies the allegations in paragraph 144.

145. The NHL denies the allegations in paragraph 145.

146. The NHL denies the allegations in paragraph 146.

147. The NHL denies the allegations in paragraph 147.

RESPONSE TO “COUNT I WATSON V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION.”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

148. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

149. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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155. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT II WATSON V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION.”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

156. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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166. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT III WATSON V. NHL – LEAGUE MISREPRESENTED THE RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

167. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

168. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

169. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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173. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

174. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT IV HICKE V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

175. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

176. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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181. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

182. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT V HICKE V. NHL – LEAGUE FAILS TO WARN OF
SIGNIFICANT RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

183. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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193. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT VI HICKE V. NHL – LEAGUE MISREPRESENTED THE RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

194. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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RESPONSE TO “COUNT VII VEITCH V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

202. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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**RESPONSE TO “COUNT VIII VEITCH V. NHL – LEAGUE FAILS TO WARN OF
SIGNIFICANT RISK OF BRAIN DAMAGE**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

210. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

211. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

212. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

213. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

214. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

215. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

216. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

217. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

218. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

219. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

220. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT IX VEITCH V. NHL – LEAGUE MISREPRESENTED THE RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

221. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

222. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

223. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

224. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

225. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

226. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

227. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

228. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

229. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT X KANNEGIESSER V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

230. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

231. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

232. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

233. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

234. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

235. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

236. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

237. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XI KANNEGIESSER V. NHL – LEAGUE FAILED TO WARN
OF SIGNIFICANT RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

238. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

239. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

240. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

241. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

242. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

243. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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245. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

246. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

247. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

248. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XII V KANNEGIESSER V. NHL – LEAGUE
MISREPRESENTED THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

249. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

250. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

251. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

252. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

253. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

254. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

255. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

256. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XIII DUBINSKY V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

257. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

258. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

259. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

260. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

261. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

262. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

263. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

264. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XIV DUBINSKY V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

265. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

266. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

267. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

268. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

269. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

270. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

271. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

272. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

273. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

274. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

275. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XV DUBINSKY V. NHL – LEAGUE MISREPRESENTED THE RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

276. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

277. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

278. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

279. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

280. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

281. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

282. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

283. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XVI HUSCROFT V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

284. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

285. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

286. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

287. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

288. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

289. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

290. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

291. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XVII HUSCROFT V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

292. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

293. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

294. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

295. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

296. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

297. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

298. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

299. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

300. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

301. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

302. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XVIII HUSCROFT V. NHL – LEAGUE MISREPRESENTED
THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

303. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

304. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

305. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

306. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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308. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

309. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

310. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XIX ZANUSSI V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

311. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

312. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

313. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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316. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

317. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

318. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XX ZANUSSI V. NHL – LEAGUE FAILED TO WARN OF
SIGNIFICANT RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

319. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

320. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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328. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

329. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXI ZANUSSI V. NHL – LEAGUE MISREPRESENTED THE RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

330. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

331. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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335. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

336. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

337. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXII STEWART V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

338. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

339. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

340. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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343. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

344. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

345. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXIII STEWART V. NHL – LEAGUE FAILED TO WARN
OF SIGNIFICANT RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

346. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

347. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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354. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

355. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

356. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXIV STEWART V. NHL – LEAGUE MISREPRESENTED
THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

357. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

358. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

359. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

360. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

361. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

362. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

363. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

364. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXV MCCLANAHAN V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

365. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

366. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

367. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

368. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

369. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

370. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

371. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

372. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXVI MCCLANAHAN V. NHL – LEAGUE FAILED TO
WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

373. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

374. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

375. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

376. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

377. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

378. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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380. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

381. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

382. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

383. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXVII MCCLANAHAN V. NHL – LEAGUE
MISREPRESENTED THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

384. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

385. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

386. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

387. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

388. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

389. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

390. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

391. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXVIII HUARD V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

392. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

393. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

394. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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396. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

397. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

398. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

399. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXIX HUARD V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

400. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

401. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

402. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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405. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

406. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

407. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

408. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

409. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

410. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXX HUARD V. NHL – LEAGUE MISREPRESENTED THE RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

411. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

412. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

413. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

414. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

415. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

416. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

417. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

418. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXI DUNCAN V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

419. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

420. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

421. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

422. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

423. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

424. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

425. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

426. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXII DUNCAN V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

427. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

428. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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434. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

435. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

436. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

437. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXIII DUNCAN V. NHL – LEAGUE MISREPRESENTED
THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

438. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

439. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

440. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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444. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

445. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXIV LESSARD V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

446. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

447. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

448. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

449. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

450. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

451. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

452. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

453. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXV LESSARD V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

454. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

455. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

456. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

457. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

458. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

459. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

460. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

461. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

462. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

463. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

464. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

465. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXVI LESSARD V. NHL – LEAGUE MISREPRESENTED
THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

466. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

467. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

468. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

469. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

470. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

471. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

472. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

473. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXVII RIVERS V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

474. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

475. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

476. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

477. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

478. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

479. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

480. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

481. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

482. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

483. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

484. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXVIII RIVERS V. NHL – LEAGUE MISREPRESENTED
THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

485. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

486. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

487. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

488. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

489. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

490. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

491. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

492. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXIX SEXTON V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

493. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

494. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

495. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

496. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

497. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

498. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

499. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

500. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

501. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

502. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

503. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

504. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

505. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXX SEXTON V. NHL – LEAGUE MISREPRESENTED
THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

506. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

507. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

508. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

509. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

510. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

511. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

512. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXXI BOURDON V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

513. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

514. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

515. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

516. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

517. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

518. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

519. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

520. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXXII BOURDON V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

521. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

522. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

523. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

524. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

525. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

526. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

527. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

528. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

529. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

530. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

531. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

532. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXXIII BOURDON V. NHL – LEAGUE
MISREPRESENTED THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

533. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

534. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

535. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

536. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

537. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

538. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

539. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

540. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXXIV SCHULTZ V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

541. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

542. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

543. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

544. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

545. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

546. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

547. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

548. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXXV SCHULTZ V. NHL – LEAGUE FAILED TO WARN
OF SIGNIFICANT RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

549. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

550. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

551. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

552. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

553. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

554. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

555. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

556. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

557. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

558. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

559. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

560. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXVI SCHULTZ V. NHL – LEAGUE MISREPRESENTED
THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

561. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

562. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

563. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

564. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

565. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

566. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

567. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

568. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXXVII DEVEAUX V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

569. The NHL denies the allegations in paragraph 569.

570. The NHL denies the allegations in paragraph 570.

571. The NHL denies the allegations in paragraph 571.

572. The allegation in paragraph 572 that the NHL “breach[ed]” certain “duties” states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 572.

573. The allegation in paragraph 573 that the NHL “breached its duty” states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 573.

574. The allegation in paragraph 574 that the NHL acted with “negligence and conscious disregard” states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 574, including footnote 9, except admits plaintiff selectively and incompletely quotes portions of a statement Commissioner Bettman made in 2011 and denies plaintiff’s characterization of that statement.

575. The allegation in paragraph 575 that the NHL’s “negligence” was a “proximate result” of any alleged harm states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the allegations and characterizations in paragraph 575.

576. The NHL denies the allegations and characterizations in the first sentence of paragraph 576, except admits plaintiff selectively and incompletely quotes statements attributed to Commissioner Bettman in news articles. The allegation in the second sentence of paragraph 576 that Commissioner Bettman's statement "tolls any applicable statute of limitations" states a legal conclusion to which no response is necessary. To the extent a response is required, the NHL denies that allegation.

The NHL admits Deveau demands judgment and denies he is entitled to any relief.

**RESPONSE TO "COUNT XXXXVIII DEVEAUX V. NHL – FAILED TO WARN OF
SIGNIFICANT RISK OF BRAIN DAMAGE"**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

577. The NHL denies the allegations in paragraph 577.

578. The NHL denies the allegations in paragraph 578.

579. The NHL denies the allegations in paragraph 579.

580. The NHL denies the allegations in paragraph 580.

581. The NHL denies the allegations in paragraph 581.

582. The allegation in paragraph 582 that the NHL owed a "duty" to its players states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 582.

583. The allegation in paragraph 583 that the NHL owed a "duty" to Deveau states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 583.

584. The allegation in paragraph 584 that the NHL “failed to warn” Deveaux states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 584.

585. The allegation in paragraph 585 that the NHL “failed to warn” Deveaux states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 585.

586. The allegation in paragraph 586 that the NHL was “negligent” states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 586, including each subpart.

587. The NHL denies the allegations in paragraph 587.

588. The NHL denies the allegations and characterizations in the first sentence of paragraph 588, except admits plaintiff selectively and incompletely quotes statements attributed to Commissioner Bettman in news articles. The allegation in the second sentence of paragraph 588 that Commissioner Bettman’s statement “tolls any applicable statute of limitations” states a legal conclusion to which no response is necessary. To the extent a response is required, the NHL denies that allegation.

The NHL admits Deveaux demands judgment and denies he is entitled to any relief.

**RESPONSE TO “COUNT XXXXIX DEVEAUX V. NHL – LEAGUE
MISREPRESENTED THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

589. The NHL denies the allegations in paragraph 589.

590. The NHL denies the allegations in paragraph 590.

591. The NHL denies the allegations in paragraph 591.

592. The NHL denies the allegations in paragraph 592.

593. The NHL denies the allegations in paragraph 593.

594. The NHL denies the first sentence of paragraph 594 because it is without knowledge or information sufficient to form a belief as to the truth of the allegations therein. The allegation in the second sentence of paragraph 594 that Deveaux “reasonably relied” on the NHL states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 594.

595. The allegation in paragraph 595 that Deveaux reasonably relied on the NHL states a legal conclusion to which no responsive pleading is necessary. To the extent a response is required, the NHL denies that allegation. The NHL denies the remaining allegations in paragraph 595.

596. The NHL denies the allegations in paragraph 596.

The NHL admits Deveaux demands judgment and denies he is entitled to any relief.

RESPONSE TO “COUNT XXXXX BURNETT V. NHL – LEAGUE INCREASED THE RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

597. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

598. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

599. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

600. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

601. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

602. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

603. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

604. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXXXI BURNETT V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

605. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

606. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

607. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

608. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

609. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

610. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

611. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

612. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

613. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

614. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

615. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

616. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXXXIII BURNETT V. NHL – LEAGUE
MISREPRESENTED THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

617. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

618. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

619. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

620. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

621. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

622. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

623. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

624. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXXXIV LIDDINGTON V. NHL – LEAGUE FAILED TO
WARN OF SIGNIFICANT RISK TO BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

625. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

626. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

627. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

628. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

629. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

630. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

631. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

632. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

633. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

634. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

635. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

636. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

637. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

638. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

639. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXXXV LIDDINGTON V. NHL – LEAGUE
MISREPRESENTED THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

640. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

641. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

642. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

643. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

644. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

645. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

646. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

647. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXXXVI HOFFORT V. NHL – LEAGUE FAILED TO
WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

648. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

649. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

650. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

651. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

652. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

653. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

654. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

655. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

656. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

657. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

658. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXXXVII HOFFORT V. NHL – LEAGUE
MISREPRESENTED THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

659. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

660. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

661. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

662. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

663. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

664. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

665. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

666. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXXXVIII PELENSKY V. NHL – LEAGUE INCREASED RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

667. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

668. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

669. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

670. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

671. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

672. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

673. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

674. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

RESPONSE TO “COUNT XXXXXIX PELENSKY V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

675. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

676. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

677. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

678. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

679. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

680. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

681. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

682. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

683. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

684. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

685. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

**RESPONSE TO “COUNT XXXXXX PELENSKY V. NHL – LEAGUE
MISREPRESENTED THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

686. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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**RESPONSE TO “COUNT XXXXXXI ROBINS V. NHL – LEAGUE INCREASED THE
RISK OF BRAIN DAMAGE, ADDICTION AND DEPRESSION”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

694. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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RESPONSE TO “COUNT XXXXXXII ROBINS V. NHL – LEAGUE FAILED TO WARN OF SIGNIFICANT RISK OF BRAIN DAMAGE”

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

702. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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**RESPONSE TO “COUNT XXXXXXIII ROBINS V. NHL – LEAGUE
MISREPRESENTED THE RISK OF BRAIN DAMAGE”**

To the extent plaintiff re-alleges paragraphs 1-147, the NHL reasserts its answers to those paragraphs.

714. This claim for relief has been dismissed and, therefore, no response to the allegations in this paragraph is required.

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The NHL admits that plaintiff is entitled to a jury trial.

PREAMBLE TO AFFIRMATIVE AND OTHER DEFENSES

The NHL reserves the right to rely upon any of the following or additional defenses to claims asserted by plaintiff to the extent that such defenses are supported by information developed through discovery or evidence at trial and thus reserves the right to amend its Answer and Defenses. By asserting the following affirmative defenses, the NHL does not allege or admit it has the burden of proof or the burden of persuasion with respect to any of these matters:

FIRST DEFENSE

Plaintiff may have failed to state a claim upon which relief can be granted.

SECOND DEFENSE

Because plaintiff is not completely diverse from the NHL, plaintiff cannot base subject matter jurisdiction on diversity under 28 U.S.C. § 1332. Nevertheless, this Court has original jurisdiction of this action under 28 U.S.C. § 1331 because the claims in the Complaint arise under the laws of the United States, specifically Section 301. Section 301 requires the application of federal substantive law and completely preempts and displaces entirely any state cause of action. It does not matter that a lawsuit purports to assert tort claims under state law instead of contract claims. If the claims are founded directly on rights created by collective bargaining agreements or are substantially dependent on analysis of a collectively-bargained agreement, they are federal claims governed by Section 301.

THIRD DEFENSE

Plaintiff's claims are preempted, in whole or in part, under federal labor law and/or are required to be submitted to arbitration or for failure to exhaust his remedies under applicable collective bargaining agreements governing the terms and conditions of his employment as an NHL Player.

FOURTH DEFENSE

Plaintiff's claims may be barred, in whole or in part, by the exclusive remedy provisions of various states' applicable Workers' Compensation statutes.

FIFTH DEFENSE

Plaintiff's claims may be barred, in whole or in part, because to the extent plaintiff seeks to impose tort liability on defendants in connection with defendants' promotion and marketing of the game of hockey, such conduct is protected speech under the First Amendment to the United States Constitution, thereby precluding tort liability.

SIXTH DEFENSE

Plaintiff's claims may be barred by the applicable statutes of limitations and/or repose.

SEVENTH DEFENSE

Plaintiff has not sustained any injury or damages compensable by law.

EIGHTH DEFENSE

Plaintiff's claims may be barred, in whole or part, from recovery due to his contributory and/or comparative negligence.

NINTH DEFENSE

Plaintiff's claims may be barred, in whole or in part, from recovery due to his assumption of the risk.

TENTH DEFENSE

Any injury or damage sustained by plaintiff was caused, in whole or in part, by plaintiff's own lack of due care and fault, and/or by pre-existing conditions; and/or the lack of due care or fault of others for whom the NHL has no responsibility or control.

ELEVENTH DEFENSE

Plaintiff's claims may be barred because plaintiff's injuries were actually or proximately caused, in whole or in part, by the intervening or superseding conduct of independent third parties and non-parties to this action or events that were extraordinary under the circumstances, not foreseeable in the normal course of events, or independent of or far removed from the NHL's conduct or control.

TWELFTH DEFENSE

Plaintiff's claims may be barred, in whole or in part, because plaintiff did not rely to his detriment upon any statement or alleged omission by the NHL in electing to play hockey.

THIRTEENTH DEFENSE

Plaintiff's claims may be barred, in whole or in part, from recovery because he has made statements or taken actions that estop him from asserting his claims or constitute a waiver of his claims.

FOURTEENTH DEFENSE

An award of punitive damages against the NHL would amount to the deprivation of property without due process of law in violation of the Fifth and Fourteenth Amendments of the United States Constitution, the Eighth Amendment of the United States Constitution, and in violation of the constitutions of the various states that govern the claims in plaintiff's Complaint. The criteria for determining whether and what amount of punitive damages may be awarded are impermissibly vague, imprecise, and inconsistent, and for these and other reasons tend to promote the award of excessive damages verdicts, and are therefore not in accord with, and are

antagonistic to, the protections of due process and the other aforementioned constitutional provisions.

FIFTEENTH DEFENSE

Plaintiff may have failed to mitigate his damages.

SIXTEENTH DEFENSE

To the extent plaintiff has settled some or all of his claims, if any, against other parties, or potential alleged joint tortfeasors, then the NHL is entitled a credit in the amount of said settlement(s) and/or the amount of the settling parties' allocated percentage of fault.

SEVENTEENTH DEFENSE

Plaintiff may be barred, in whole or in part, from recovery, on the ground that he is subject to the defense of accord and satisfaction.

EIGHTEENTH DEFENSE

Plaintiff's damages, if any, may be barred, limited, or offset in the amount of any reimbursement received by plaintiff as a result of any workers compensation proceeding, insurance or other health benefits plan, or any amounts paid by any insurance or other health benefits plan.

NINETEENTH DEFENSE

Plaintiff's claims may be barred because of plaintiff's failure to join necessary and indispensable parties.

TWENTIETH DEFENSE

Any fraud-based claims are barred for failure to plead them with the particularity required under Rule 9(b) of the Federal Rules of Civil Procedure.

TWENTY-FIRST DEFENSE

Plaintiff's claims may be barred because the NHL, as an unincorporated association of its Member Clubs, is not a proper entity to assert tort claims against based on applicable state law.

TWENTY-SECOND DEFENSE

Plaintiff's claims may be barred, in whole or in part, from recovery, due to spoliation of evidence.

TWENTY-THIRD DEFENSE

Plaintiff may be barred, in whole or in part, from recovery by the doctrine of laches.

JURY TRIAL DEMANDED

The NHL hereby demands a trial by jury on all issues so triable.

Dated: June 17, 2019

Respectfully submitted,

John H. Beisner
Jessica D. Miller
**SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP**
1440 New York Avenue, N.W.
Washington, D.C. 20005-2111
Telephone: (202) 371-7000

Shepard Goldfein
Matthew M. Martino
**SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP**
Four Times Square
New York, New York 10036-6522
Telephone: (212) 735-3000

Joseph Baumgarten
Adam M. Lupion
PROSKAUER ROSE LLP
Eleven Times Square
New York, New York 10036-8299
Telephone: (212) 969-3000

s/Daniel J. Connolly
Daniel J. Connolly (#197427)
Joseph M. Price (#88201)
Linda S. Svitak (#178500)
Aaron D. Van Oort (#315539)
FAEGRE BAKER DANIELS LLP
2200 Wells Fargo Center
90 South Seventh Street
Minneapolis, MN 55402
Telephone: (612) 766-7000

ATTORNEYS FOR DEFENDANT NATIONAL HOCKEY LEAGUE